

SO ORDERED.

Dated: June 22, 2020

  
Eddward P. Ballinger Jr., Bankruptcy Judge



THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re

BRUCE JEFFERSON GILLUM,

and

JUDITH ROXANNE GILLUM,

Debtors.

CHAPTER 13

CASE NO. 2:20-BK-00091-EPB

**STIPULATED ORDER CONFIRMING  
CHAPTER 13 PLAN**

The Chapter 13 Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

**IT IS ORDERED** confirming the First Plan ("Plan") of the Debtors as follows:

(A) **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

Months	Amount
1-60	\$ 830.00

The payments are due on or before the 4th day of each month commencing February 4, 2020. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts

- 1 -

In re Gillum  
Case No. 2:20-bk-00091-EPB

1 which may result in a funding shortfall at the end of the Plan term. Any funding shortfall must be cured  
2 before the plan is deemed completed.

3 The Debtors shall provide to the Trustee copies of their **federal** and **state** income tax returns for  
4 post-petition years 2019 - 2023 within 14 days of filing them.

5 (2) Other Property. The Debtors shall provide, directly to the Trustee their net federal and state  
6 income tax refunds for the years 2019 through 2023, as supplemental to the plan. In the event that other  
7 property is submitted, it shall be treated as supplemental payments.

8 (B) **DURATION.** This Plan shall continue for 60 months from the first regular monthly payment  
9 described in Paragraph (A)(1) above. If at any time before the end of the Plan period all claims are paid,  
10 then the Plan shall terminate. In no event will the term of the Plan be reduced to less than 60 months,  
exclusive of any property recovered by the Trustee, unless all allowed claims are paid in full.

11 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified as  
12 listed below. The Plan and this Order shall not constitute an informal proof of claim for any creditor. This  
13 Order does not allow claims. Claims allowance is determined by § 502 and the Federal Rules of  
14 Bankruptcy Procedure. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28  
U.S.C. § 586(e), then the Trustee will pay secured creditors or allowed claims in the following order:

15 (1) Administrative expenses:

16 Attorney Fees. Tom McAvity, shall be allowed total compensation of \$4,500. Counsel  
17 received \$10 prior to filing this case and will be paid \$4,490 by the Chapter 13 Trustee.

18 (2) Claims Secured by Real Property:

19 (a) LoanCare, LLC, secured by a first deed of trust in the Debtors' residence, shall be paid the  
20 prepetition arrearage of \$-0- with 0% interest. Regular post-petition payments will be  
21 made directly by the Debtors to the secured creditor. Any post-petition mortgage fees  
22 and expenses shall be paid directly by the Debtors to the secured creditor.

23 (3) Claims Secured by Personal Property:

24 (a) Sunwest Federal Credit Union, secured by a lien in 2015 Ford Expedition, shall be paid  
25 a secured claim of \$25,101.99 with 6% interest. The creditor will receive adequate  
26

1 protection payments of \$200 per month. The balance of the debt shall be classified as  
2 unsecured.

- 3 (b) Wells Fargo Bank, NA, secured by a lien in furniture, shall be paid a secured claim of  
4 \$1,211.81 with 6% interest. The creditor will receive adequate protection payments of  
5 \$25 per month. The balance of the debt shall be classified as unsecured.

6 (4) Unsecured Priority Claims:

- 7  
8 (a) Department of Treasury/Internal Revenue Service shall be paid an unsecured priority  
9 claim of \$ 4,348.23 with no interest for income taxes.

10 (5) Surrendered Property:

11 Upon confirmation of this plan or except as otherwise ordered by the Court, bankruptcy stays  
12 are lifted as to collateral to be surrendered. Such creditor shall receive no distribution until  
13 the creditor timely files a claim or an amended proof of claim that reflects any deficiency  
14 balance remaining on the claim. Assuming the creditor has an allowed proof of claim, should  
15 the creditor fail to file an amended claim consistent with this provision, the Trustee need not  
16 make any distributions to that creditor. Debtors surrender the following property:

- 17 (a) The Debtors will surrender 2018 Honda CRV in which American Honda Finance has a  
18 security interest.

19 (6) Other Provisions: None.

- 20 (7) Unsecured Nonpriority Claims. Claims allowance is determined by § 502 and the Federal  
21 Rules of Bankruptcy Procedure. Allowed unsecured claims shall be paid pro rata the balance  
22 of the payments under the Plan and any unsecured debt balance remaining unpaid upon  
23 completion of the Plan may be discharged as provided in 11 U.S.C. § 1328.

24 (D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date of  
25 this Order. Property of the estate vests in Debtors upon confirmation, subject to the rights of the Trustee  
26 to assert a claim to any additional property of the estate pursuant to 11 U.S.C. § 1306.

27  
28  

---

**ORDER SIGNED ABOVE**

---

1 Approved as to Form and Content By:

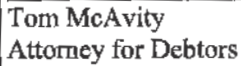
2   
3 Office of the  
Chapter  
Trustee

Russell Brown

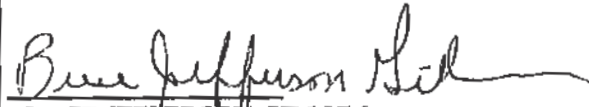
2020.06.16 14:12:08

-07'00'

4 Russell Brown, Trustee

5  
6   
7 Tom McAvity  
Attorney for Debtors

8 The Debtors certify: All required State and Federal Income tax returns have been filed. No  
9 domestic support obligation is owed or, if owed, such payments are current since the filing of the Petition.

10   
11 BRUCE JEFFERSON GILLUM  
12 Debtor

13  
14   
15 JUDITH ROXANNE GILLUM  
16 Debtor

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 - 4 -

28 In re Gillum  
Case No. 2:20-bk-00091-EPB